



Department of Public Works

Right of Way Management Division

810 Union Street, Suite 201
Norfolk, Virginia 23510
pwrow@norfolk.gov
757-664-7306

Permit Type: General

Kind: Temp Encroachment

Permit #: 20-2009

Start Date: May 15, 2020

End Date: May 19, 2020

Permittee: Owner, Tenant, Operator

Performing Work For: Owner, Tenant, Operator

Worksite: City-wide Norfolk VA

Contact: Citywide Norfolk Virginia

Phone:

E-mail:

ROW Inspector: N/A

Fees Paid: \$0

Permit Details:

Reason for Permit: *temporary use of right-of-way*

When will your temporary use start?: *05/15/2020, 12:00 AM*

When will your temporary use end?: *05/19/2020, 11:59 PM*

Are there metered spaces where you are planning your temporary use?: *Yes*

Does temporary use take place in a handicap space?: *Yes*

If placing a dumpster, can the dumpster be placed on private property?: *N/A*

Does the temporary use take place in a loading zone?: *Yes*

If you are placing a dumpster or portable storage, what are the dimensions?: *Width: N/A, Height: N/A, Weight: N/A*

Notes:

Summary of Permit:

This Permit Authorizes Encroachments for the Temporary Installation of Outdoor Dining Areas for Existing Restaurants on Sidewalks in Certain D (Downtown), HC (Historic and Cultural Conservation) and PCO (Pedestrian Commercial Overlay) Zoning Districts in Accordance with Defined Standards and to Authorize the City Manager or his designee to Approve Such Temporary Encroachments for Existing Restaurants in Other Areas of the City or in Exception to the Defined Standards as Needed.

Section 1:- That permission is hereby granted to the owner and tenant in possession, if any, for each restaurant in the City of Norfolk licensed to operate on the date of issuance of this permit to encroach into the public right-of-way immediately adjacent to the parcel upon which the restaurant is located with temporary outdoor dining facilities, in accordance with the following restrictions and defined standards:

(a) The restaurant is located in a D-W (Downtown Waterfront), D-BC (Downtown Business Center), D-MU (Downtown Mixed-use), D-AD (Downtown Arts and Design), D-FN (Downtown Fort Norfolk), HC-WF (West Freemason Historic and Cultural Conservation), PCO-Colley, PCO-21st Street, PCO-Riverview, PCO-35th Street,



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or PCO-Lafayette Zoning District.

(b) The outdoor dining is located within one of the areas labeled as eligible for "Outdoor Dining" on one of the diagrams including the "Open Norfolk" guidelines, attached hereto, and marked as "Exhibit A."

(c) The outdoor dining area is limited to that portion of the public right-of-way improved as a pedestrian sidewalk and shall not include any vegetated area, any curb, nor any portion of the paved, vehicular roadway.

(d) No table, chair, fence, barrier, post, covering, canopy or other physical element of the outdoor dining facility shall be located, constructed, or designed in a manner that:

(1) Interferes with the lawful use and operation of any business or activity on any adjoining privately-owned property, unless the owner of such property or the owner's authorized agent has given written permission for the element to be so located;

(2) Impedes vehicular traffic, including any actively-used driveway or area designated for drive-up take-out service that is provided by the restaurant;

(3) Endangers the health or safety of patrons occupying the outdoor dining area.

(e) The outdoor dining area is approved for use by both the Virginia Alcoholic Beverage Control Authority and the Virginia Department of Health.

(f) During all hours of operation, the restaurant operator shall be responsible for maintaining the outdoor dining area and all those portions of public right-of-way immediately adjacent to the outdoor dining area so as to keep them free of litter, refuse, and both solid and liquid waste.

(g) The owner and tenant in possession of the property upon which the restaurant is located and who shall be responsible for maintaining the outdoor dining area as set forth in subsection (f), above, shall either already have or shall take out general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 for each occurrence and \$2,000,000.00 general aggregate coverage against liability from claims, actions and suits that may be asserted or brought against the City for any injury to or death of any person or for any damage to or destruction of property resulting from the installation, maintenance, or existence of the encroaching outdoor dining area, which insurance shall be held continuously in full force and effect during the term of the encroachment, with evidence of such insurance being provided to the City in writing.

(h) Upon installing any outdoor dining in accordance with the permission granted herein and hereby, the restaurant operator shall be deemed to have acknowledge and agreed that the City shall not be responsible for any damage to any element of the encroaching portion of the outdoor dining facility, including replacement and re-installation costs, resulting from the City's operation, maintenance, or repair of the sidewalk, roadway, signage, landscaping, or other streetscape improvements in the vicinity of the outdoor dining area.

Section 2:- That, in addition to the general permission granted herein, the City Manager or his designee is hereby authorized to approve a temporary encroachment for any existing restaurant in any public right-of-way or any other property of the City. Such permission shall only be approved when the application includes sufficient information to determine that the use of the outdoor dining area conforms to and will comply with the restrictions and defined standards set forth in Section 1, above, with the exception of subsections 1(a) and 1(b). Further, with respect to



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any restaurant operator who is or becomes noncompliant with the terms of either the encroachment permission granted hereby or a permission granted pursuant to his authority hereunder, the City Manager or his designee is hereby authorized to revoke such permission with respect to that specific, noncompliant operator.

Section 3:- That the use of any encroachment authorized herein or under the authority granted to the City Manager or his designee hereby is temporary only and shall terminate either on (i) the date that the Governor or Legislature of the Commonwealth of Virginia or any court or competent jurisdiction lifts the restriction presently in effect that prohibits the use of indoor dining space in restaurants in the City of Norfolk or (ii) July 6, 2020, whichever is earlier.

Section 4:- That the failure of any restaurant operator to fully comply with all restrictions and defined standards set forth in Section 1, above, shall be punishable as a criminal offence in accordance with Norfolk City Code § 1-11 and shall also constitute grounds for the City Manager or his designee to revoke the permission granted hereby with respect to that specific, noncompliant operator.

Section 5:- That this permit shall be in effect from and after its issuance.

INDEMNITY

By acceptance of this permit, I hereby agree and covenant to indemnify, defend and save harmless the City and its elected and appointed officials, officers, agents, employees and volunteers thereof against any and all claims, suites, judgments, actions, damages, losses, costs and expenses whatsoever, including without limitation attorneys' fees and costs or expenses incidental to the investigation and defense of claims and lawsuits arising from damage to property, injury of death of persons, or any other damage sustained by any person, firm or corporation, resulting in whole or in part from any wrongful or negligent act, omission, breach, default or conduct of myself, my company its agents, contractors, subcontractors, servants, licensees or employees or in any manner arising from exercising the rights, privileges and franchise granted by a sidewalk vendor or sidewalk café or dining permit or business license issued by the City. In accepting such license or permit, I recognize that I, as licensee, shall pay all judgments, with costs, counsel fees and expenses, which may be obtained against the City related to any such claim. The above indemnification shall not apply to any judgment of liability resulting from gross negligence or willful misconduct of the City.

ATTACHMENT:

Exhibit A: Open Restaurant Guidelines (3 pages)

Estimated Fees: \$0

PERMIT

Notes & Conditions

Special Notes for Temporary Parking

- 1) In order for the "No Stopping" signs to be enforceable, "No Stopping" signs must be posted at least 24 hours in advance of permit day and time and verified by city staff. Monday - Friday, call Right of Way Management at (757) 664-7306 once signs are posted and reference permit #, address, and time signs were posted.
- 2) This permit must be displayed in the windshield of the vehicle or on the equipment at the designated parking location
- 3) Cones or barrels may also be placed within the "No Stopping" areas as the area becomes vacant.
- 4) If vehicles are blocking the permitted spaces during permitted times/days, contact Police non-emergency at 441-5610 to arrange ticketing of non-compliant vehicles and towing by designated Police Officers.
- 5) If the temporary parking must be placed at a metered parking space, please contact the Division of Parking for a meter permit in addition to the temporary parking. A refund for the temporary parking permit maybe granted, based on location.

Special Notes for Emergency Parking

- 1) This permit is issued pursuant to the provisions set forth in City Code Section 25-286 and allows the above listed vehicle to be parked in limited parking zones in excess of the time allowed for parking (not to exceed two hours), or in no parking zones. This parking is limited to such cases where persons are required to do emergency work and suitable parking space is not available elsewhere for such purpose.
- 2) This permit does NOT authorize the parking of any vehicle in any non-stop zone, public vehicle zone, parking meter, or in any place where parking is prohibited by section 25-280.
- 3) This permit is valid for the above listed vehicle ONLY and may be revoked at the discretion of the Director of Public Works or designee.

Special Notes for Dumpster or Portable Storage Unit

- 1) Dumpster or Portable Storage Unit must be placed in a manner not blocking intersection of driveway or no less than fifty-feet from corner.
- 2) Please place plywood under wheels and reflective cones or barrels at both outside corners.
- 3) Dumpster must be covered during high wind events.
- 4) Dumpster must be removed when it is 95% full.
- 5) If the dumpster or portable storage unit must be placed at a metered parking space, please contact the Division of Parking for a meter permit in addition to the dumpster permit.
- 6) All signs and barricades shall be provided by Permittee and must be maintained and placed in accordance with the latest edition of the "Manual on Uniform Traffic Control Devices" and the "Virginia Work Area Protection Manual".

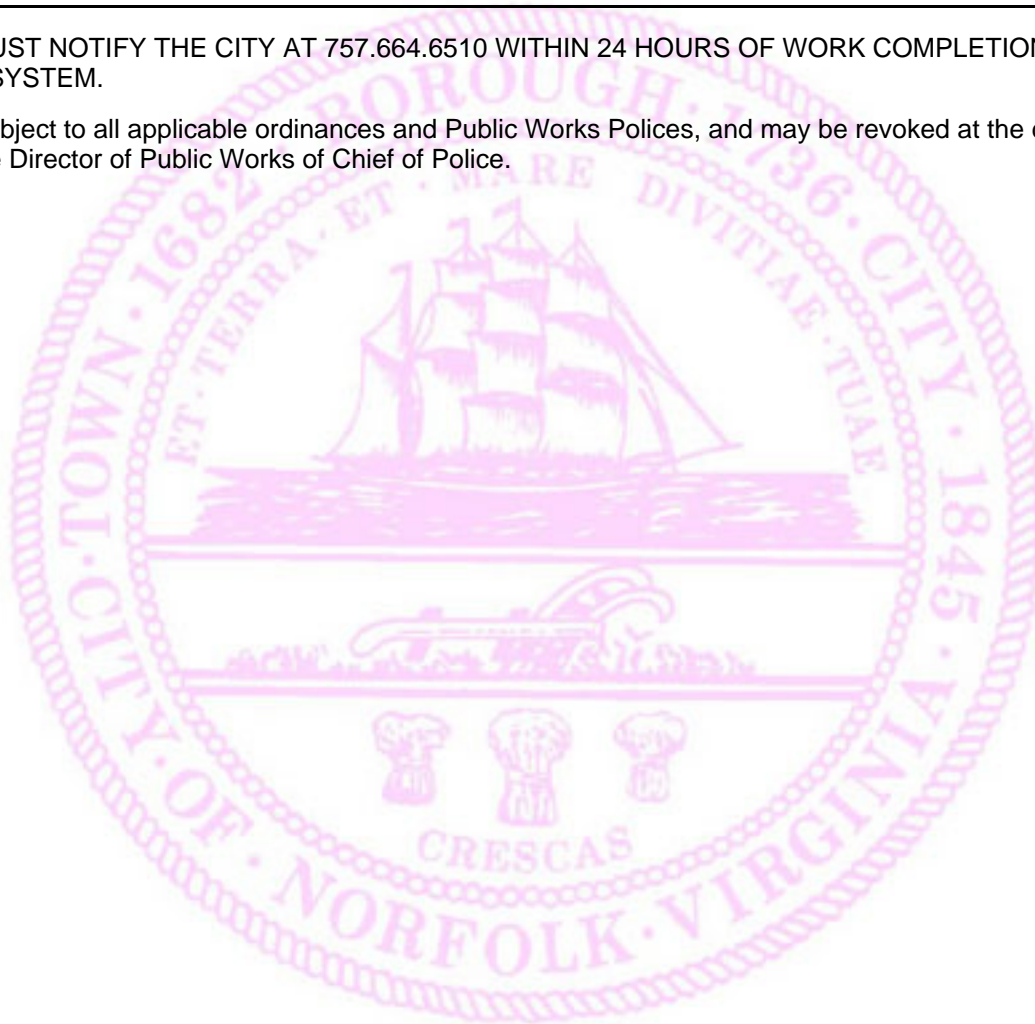
Special Notes for Parklet or Temporary Encroachment

- 1) A pre-installation meeting is required.
- 2) A post-installation inspection is required.
- 3) Please schedule inspections by calling the Right of Way Management permits office at (757) 664-7306 or through the Right of Way Management permit system.

Additional Notes:

PERMITTEE MUST NOTIFY THE CITY AT 757.664.6510 WITHIN 24 HOURS OF WORK COMPLETION OR VIA THE ROW PERMIT SYSTEM.

This permit is subject to all applicable ordinances and Public Works Policies, and may be revoked at the discretion of designees of the Director of Public Works or Chief of Police.



PERMIT

RESTAURANT GUIDELINES



PHASE I

The City of Norfolk welcomes you to the OpenNorfolk program! The purpose of OpenNorfolk is to provide a toolkit and a streamlined process for restaurants to open in Phase I of the Governor's Executive Order 61. It has two components:

1. Provide a free toolkit including signage, stencils, etc. to restaurants expand into their own outdoor space (parking lots and yards), or, in the public right-of-way (sidewalks, parking spaces, etc.) on pedestrian-oriented commercial corridors.
2. Provide free hands-on assistance to business owners who would like a small team of people to help them move furniture, provide outdoor furnishings, or build them a parklet or other temporary furnishings for outdoor dining. This effort will be led by national tactical urbanism experts at [Team Better Block](#).

If you have any questions regarding temporary outdoor dining or would like assistance, email opennorfolk@wparch.com.

The following sections are summarized from the Virginia ABC and Virginia Department of Health. Please visit <https://www.abc.virginia.gov/covid-19#Outdoor> and <https://www.vdh.virginia.gov/environmental-health/>



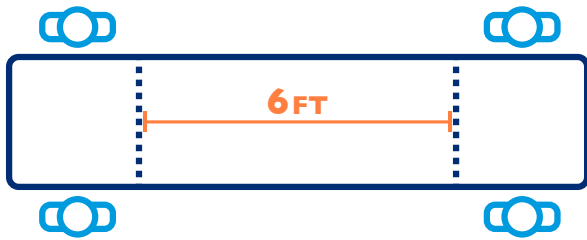
VIRGINIA DEPARTMENT OF HEALTH REQUIREMENTS:

(You need to follow these steps to be allowed to use outdoor dining during Phase I)

- Post signage at entrance that states no one with a fever or symptoms of COVID-19, or known exposure to a COVID-19 case in the prior 14 days is permitted in the establishment.
- Post physical distancing reminder signage.
- Occupancy must be limited to 50% of the lowest occupancy load for the outdoor dining area while maintaining a minimum of six feet of physical distancing.
- Provide a minimum of six feet between parties at tables. The six feet cannot include space taken up by seated guest.
- Spacing must allow for physical distancing from persons on public sidewalks.
- Do not seat parties of more than 10 patrons.
- Do not seat multiple parties at any one table unless marked with six foot divisions.
- Bar seats and congregating areas inside the restaurant must be closed except for through-traffic.
- Employees working in customer and dining service areas must wear face coverings over their nose and mouth.
- You must use single-use disposable paper menus and discard after each use (No reusable menus).
- No refilling of food and beverage containers brought in by customers.
- Ask each employee to self-measure their temperature and assess symptoms.
- No self-service of food including condiments. Condiments must be removed from tables and dispensed by employees upon request of customer.
- Perform thorough cleaning and disinfection of frequently contacted surfaces (check presenters, digital ordering devices, etc.) every 60 minutes.
- Table resets must be done by an employee who has washed their hands with soap and water for at least 20 seconds just prior to reset activities.

If you have questions regarding Department of Health regulations call Environmental Health Services at 757-683-2712.

<https://www.vdh.virginia.gov/environmental-health/>



Do not seat multiple parties at any one table unless marked with six foot divisions.

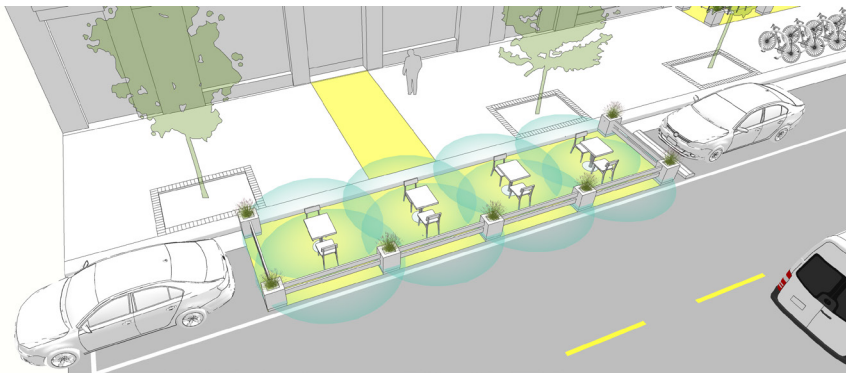


Provide a minimum of six feet between parties at tables. The six feet cannot include space taken up by seated guest.



Dining in Parking Lot: Do not seat multiple parties at any one table unless marked with six foot divisions. Maintain all required ADA accessible parking spaces.

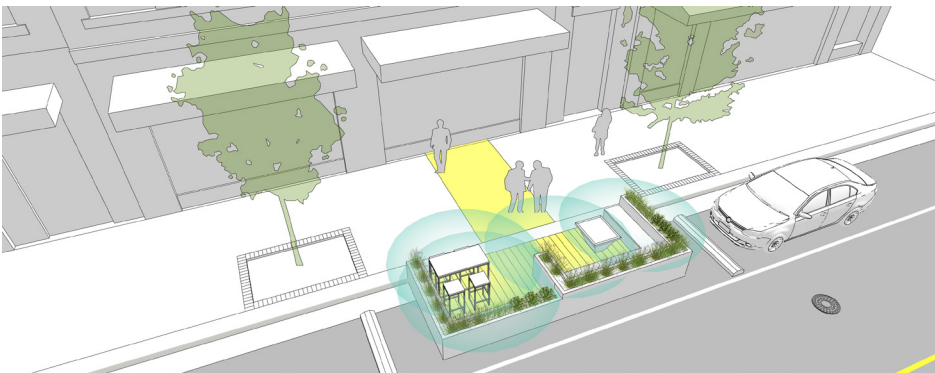
Allowed throughout the City of Norfolk.



Dining in Parking Lane: Provide a minimum of six feet between parties at tables. The six feet cannot include space taken up by seated guest.

Allowed in:

- D-W (Downtown Waterfront)
- D-BC (Downtown Business Center)
- D-MU (Downtown Mixed-use)
- D-AD (Downtown Arts and Design)
- D-FN (Downtown Fort Norfolk)
- HC-WF (West Freemason Historic and Cultural Conservation)
- PCO-Colley
- PCO-21st Street
- PCO-Riverview
- PCO-35th Street
- PCO-Lafayette Zoning District



Dining in Parklet: Do not seat multiple parties at any one table unless marked with six foot divisions.

Allowed in:

- D-W (Downtown Waterfront)
- D-BC (Downtown Business Center)
- D-MU (Downtown Mixed-use)
- D-AD (Downtown Arts and Design)
- D-FN (Downtown Fort Norfolk)
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- PCO-Lafayette Zoning District



VIRGINIA ABC REQUIREMENTS FOR APPROVAL TO SERVE ALCOHOL IN TEMPORARY OUTDOOR DINING AREAS:

(You need to follow these steps to be able to serve alcohol outside during Phase I)

Virginia ABC has developed an accelerated process for receiving and processing requests for temporary outdoor dining areas. You must submit these items to your ABC agent before you can serve alcohol in the temporary outdoor dining area. Once you have submitted these items to the agent and received an “acknowledgment of receipt” you may begin using the area pending final approval.

- If the area you are using is not covered under your lease, you must have written approval from the owner of the property.
- If you are proposing to use public right-of-way (sidewalks, on-street parking spaces) you need to add the City of Norfolk as additional insured to your premises liability insurance and email a copy of the certificate of insurance showing the City of Norfolk to opennorfolk@wparch.com (this requirement does not apply to restaurants only using existing outdoor dining).
- The temporary area you are using must share a common border with, OR be within 100 feet of your restaurant.
- You must submit a diagram of the outdoor area to your ABC agent. This can be a simple hand drawn diagram using Google Earth aerial or street view.
- If you would like the city to inspect your temporary outdoor dining area and provide you with a permit, contact the City Building Official, Phillip Williams at (757) 633-7274. This is a courtesy for your own insurance purposes and/or peace-of-mind and is not necessary.



VIRGINIA ABC RULES FOR SERVING ALCOHOL IN TEMPORARY OUTDOOR DINING AREAS:

(once you receive approval, you need to follow these rules to keep your privileges)

- Only serve alcohol between 6am and 11pm.
- Your area needs to be well-lit enough to do ID checks, gauge sobriety and serve food
- There can be no entertainment (no bands, etc.).
- Only use the area for dining. No food or drink preparation.
- Access to the area (entrance and exit) must be well-defined and the entire area must be enclosed with a well-defined barrier.
- No commingling — don't share your area with any other restaurant.
- Provide adequate tables and chairs.
- Food must be provided while you are serving alcohol.

City of Norfolk ABC Contacts:

charles.james@abc.virginia.gov
quincy.coston@abc.virginia.gov

<https://www.abc.virginia.gov/covid-19#Outdoor>

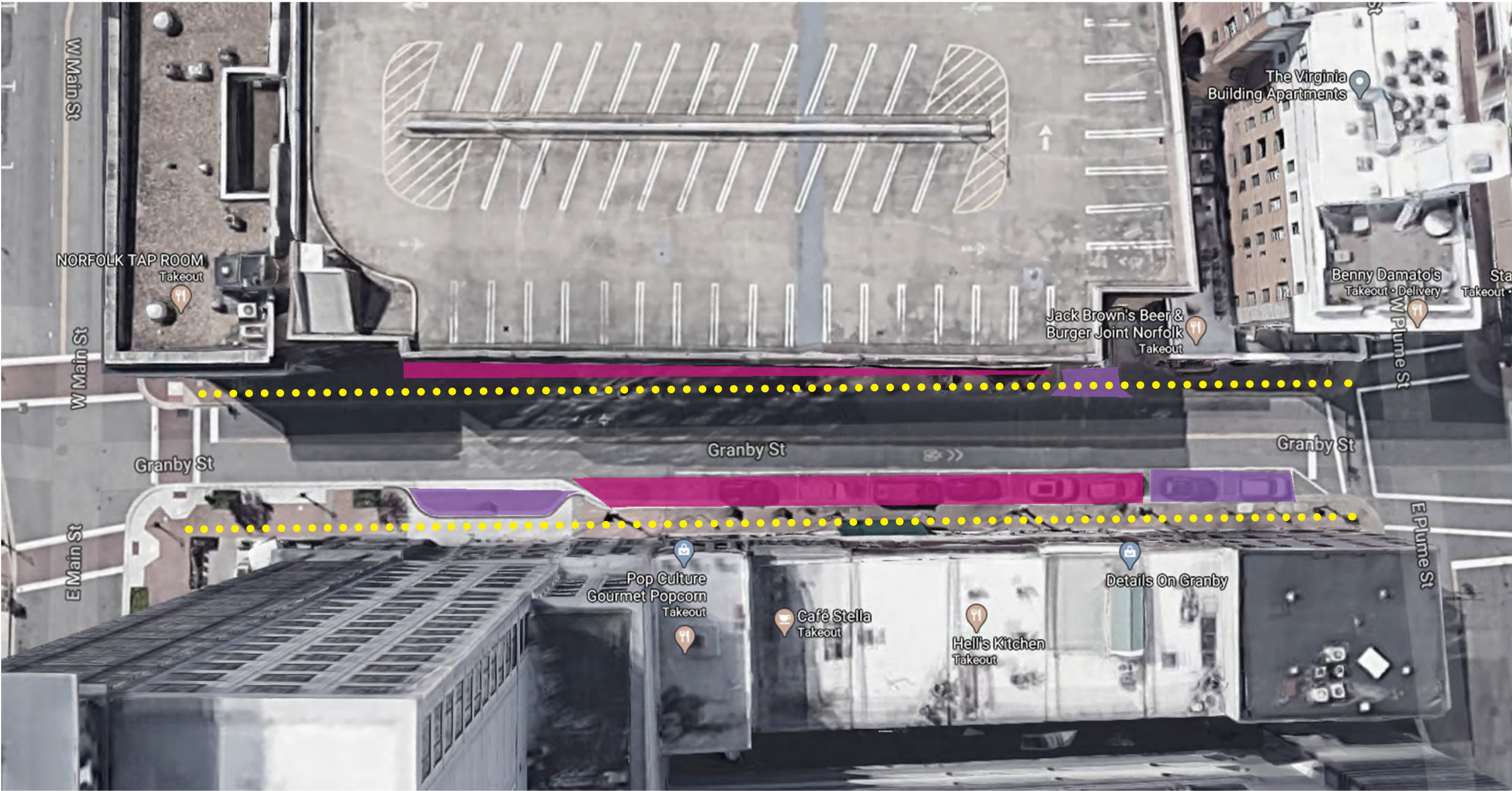


CITY OF NORFOLK REQUIREMENTS FOR TENT USAGE FOR TEMPORARY OUTDOOR DINING:

- Tents must be securely anchored to prevent uplift.
- Tents must be made of fire-resistant material.
- Exit must be clearly marked with exit signs if an individual tent, or group of tents is over 900 square feet.
- Fire extinguishers are always recommended and required if an individual or group of tents is over 900 square feet.

If you have any questions regarding temporary outdoor dining, email opennorfolk@wparch.com.

**This document is based on information available as of May 15, 2020. Please note that all rules and regulations are subject to change.*



Legend

1- Hour Parking

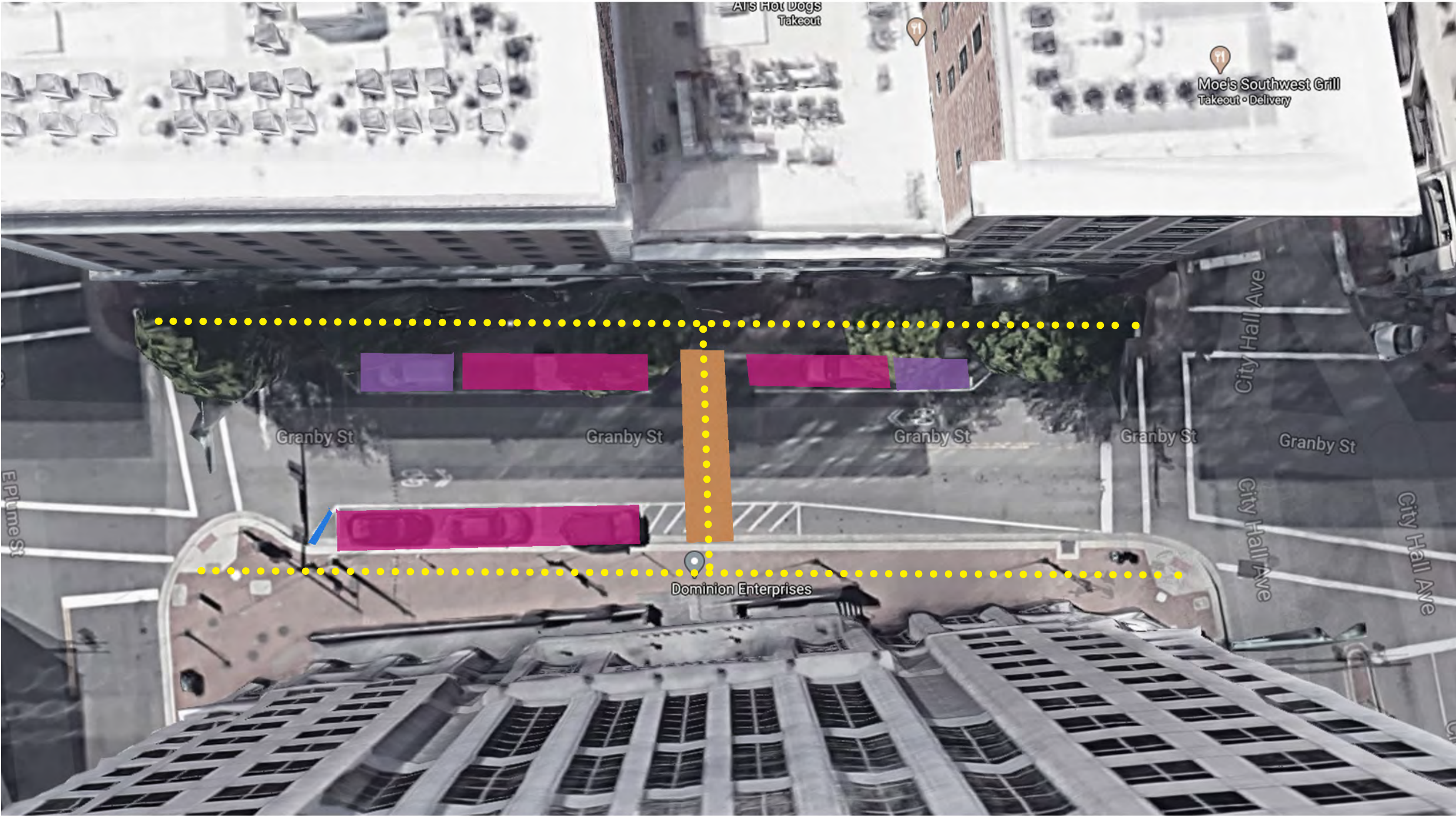
Curbside Pick-Up

Outdoor Dining

Informational Signage Element

New Walk Path





Legend

1- Hour Parking

Curbside Pick-Up

Outdoor Dining

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New Walk Path





Legend

1- Hour Parking



Curbside Pick-Up



Outdoor Dining



Informational Signage Element



New Walk Path





Legend

1- Hour Parking



Curbside Pick-Up



Outdoor Dining



Informational Signage Element



New Walk Path





Legend

1- Hour Parking



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Outdoor Dining



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New Walk Path





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1- Hour Parking



Curbside Pick-Up



Outdoor Dining

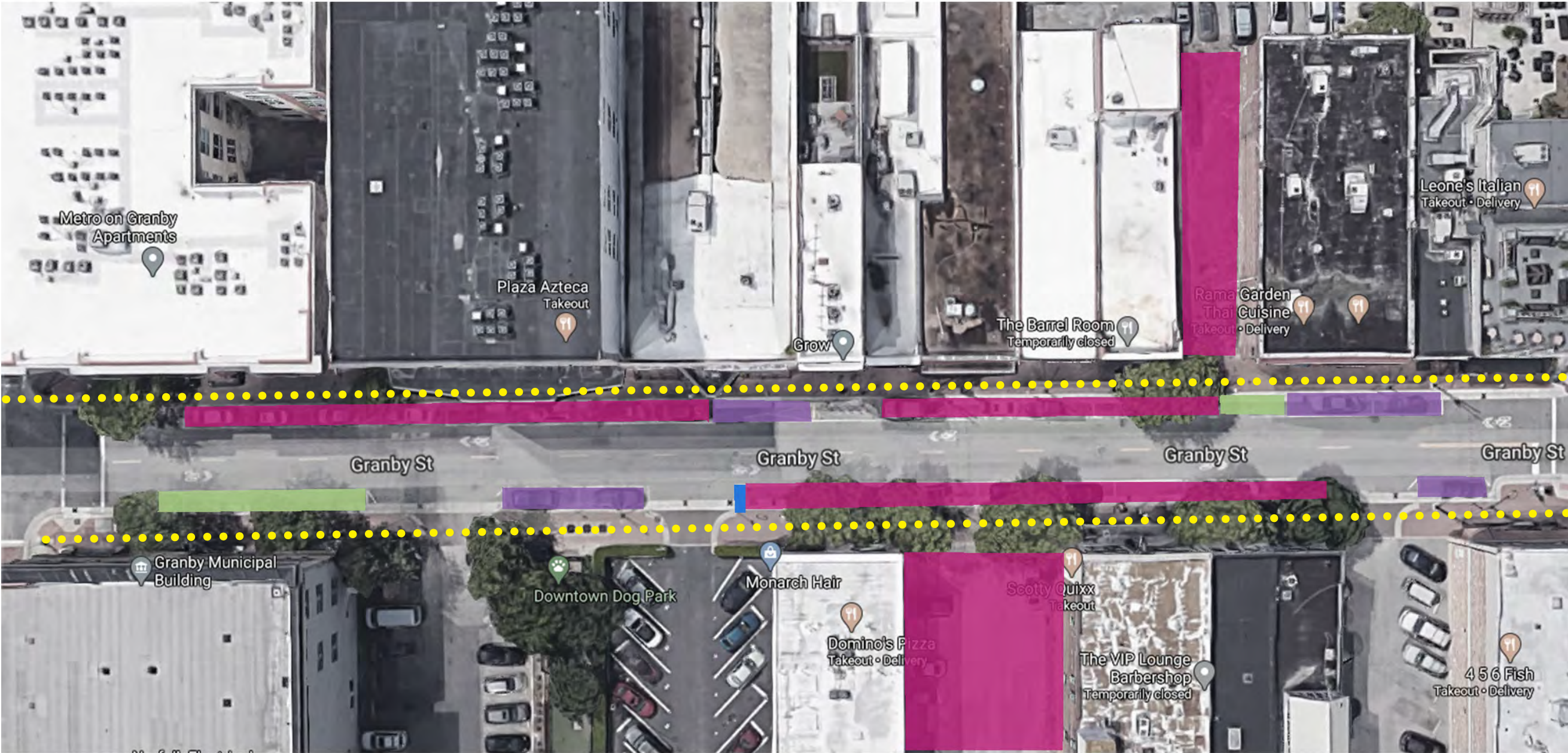


Informational Signage Element



New Walk Path





Legend

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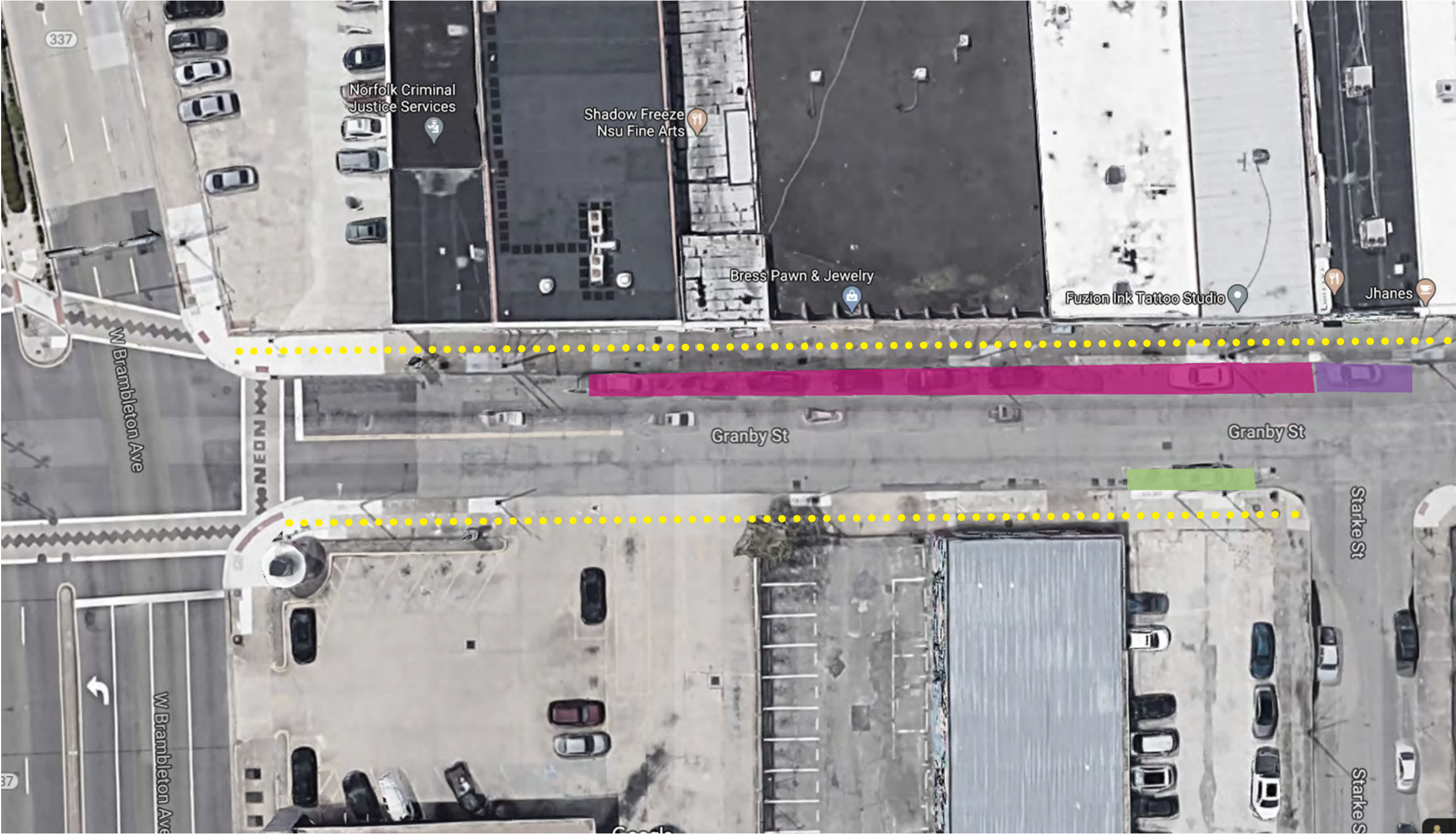
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1- Hour Parking



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Outdoor Dining



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New Walk Path





Legend

1- Hour Parking

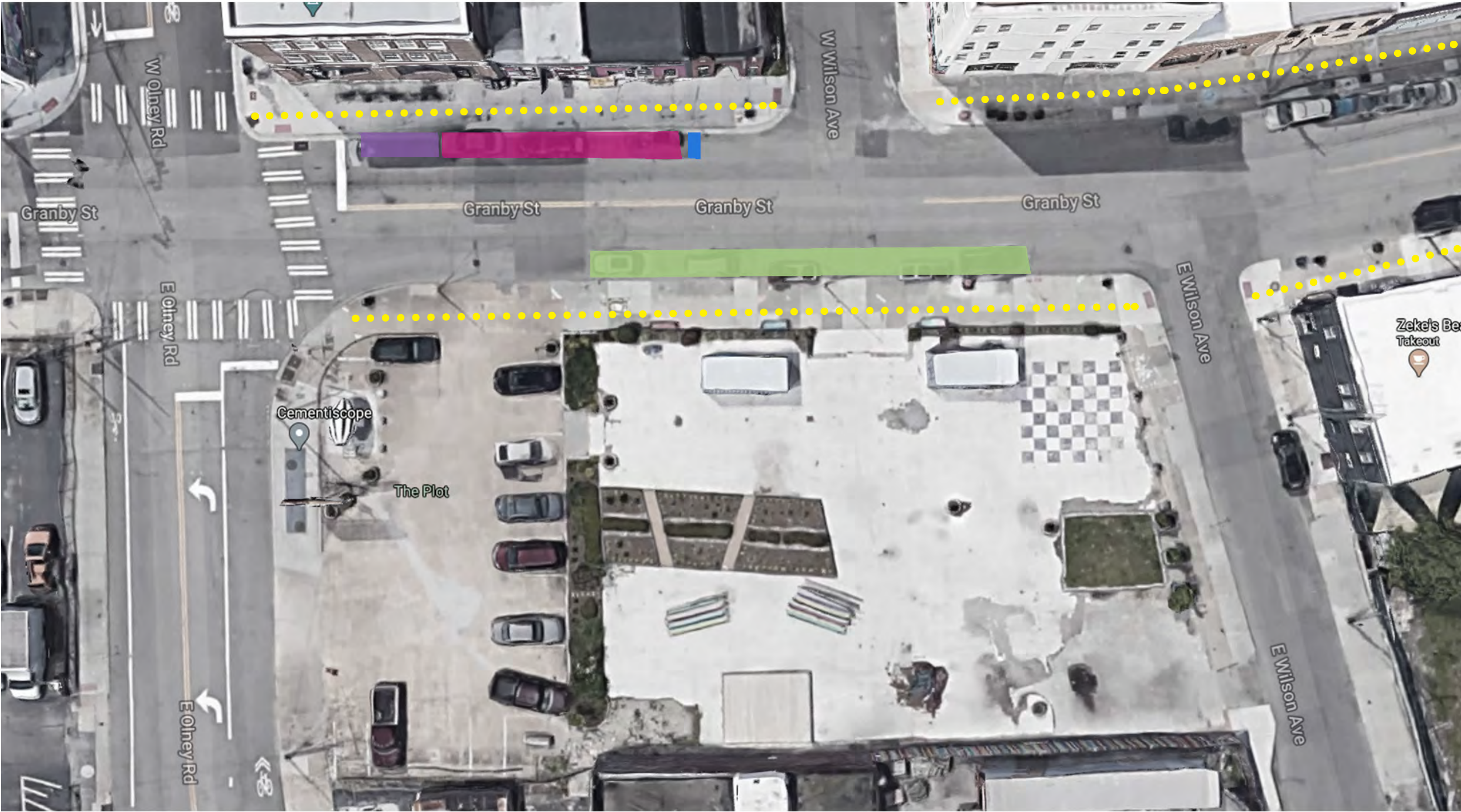
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New Walk Path





Legend

1- Hour Parking



Curbside Pick-Up



Outdoor Dining



Informational Signage Element



New Walk Path





Legend

1- Hour Parking



Curbside Pick-Up



Outdoor Dining



Informational Signage Element



New Walk Path

